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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 vs.

16 CRAIG ARSENAULT, ATLAS
17 CAPITAL MANAGEMENT, INC.,
and ACT GLOBAL INVESTMENTS,

18 Defendants.
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Case No. 8:18-cv-02220-DOC-KES

**FINAL JUDGMENT AS TO
DEFENDANT CRAIG ARSENAULT**

1 The Securities and Exchange Commission having filed a Complaint and
 2 Defendant Craig Arsenault (“Defendant”) having entered a general appearance;
 3 consented to the Court’s jurisdiction over Defendant and the subject matter of this
 4 action; consented to entry of the Judgment dated March 5, 2019 (Dkt. Nos. 17, 21)
 5 without admitting or denying the allegations of the Complaint (except as to
 6 jurisdiction and except as otherwise provided herein in paragraph VI); waived
 7 findings of fact and conclusions of law; and waived any right to appeal from that
 8 Judgment:

9 **I.**

10 IT IS ORDERED, ADJUDGED AND DECREED that Defendant is
 11 permanently restrained from, directly or indirectly, in connection with the purchase or
 12 sale of any security, by the use of any means or instrumentality of interstate
 13 commerce, or of the mails, or of any facility of any national securities exchange:

- 14 A. employing any device, scheme or artifice to defraud;
 15 B. making any untrue statement of material fact or to omit to state a
 16 material fact necessary in order to make the statements made, in light of
 17 the circumstances in which they were made, not materially misleading;
 18 and
 19 C. engaging in any act, practice, or course of business which operates or
 20 would operate as a fraud or deceit upon any person;
 21 in violation of Section 10(b) of the Exchange Act [[15 U.S.C. § 78j\(b\)](#)] and Rules 10b-
 22 5 thereunder [[17 C.F.R. §§ 240.10b-5](#)].

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
 24 provided in [Federal Rule of Civil Procedure 65\(d\)\(2\)](#), the foregoing paragraph also
 25 binds the following who receive actual notice of this Judgment by personal service or
 26 otherwise: (a) Defendant’s officers, agents, servants, employees, and attorneys; and
 27 (b) other persons in active concert or participation with Defendant or with anyone
 28 described in (a).

II.

IT IS FURTHER ORDERED that Defendant is permanently restrained and enjoined from, directly or indirectly, in the offer or sale of any securities, by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails:

- A. employing any device, scheme or artifice to defraud;
 - B. obtaining money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
 - C. engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser;
- in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

III.

IT IS FURTHER ORDERED that Defendant is permanently restrained and enjoined from:

- A. employing any device, scheme or artifice to defraud any client or prospective client; and
 - B. engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any client or prospective client;
- in violation of Sections 206(1) and (2) of the Advisers Act, 15 U.S.C. §§ 80b-6(1) &

80b-6(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a civil penalty in the amount of \$105,000.00 to the Securities and Exchange Commission pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)], Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)], and Section 209(e) of the Advisers Act [15 U.S.C. § 80b-9(e)]. Defendant shall satisfy this obligation by paying \$105,000.00 to the Securities and Exchange Commission within 30 days after the entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable
Branch 6500 South
MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Craig Arsenault as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment

1 and case identifying information to the Commission's counsel in this action. By
2 making this payment, Defendant relinquishes all legal and equitable right, title, and
3 interest in such funds and no part of the funds shall be returned to Defendant. The
4 Commission shall send the funds paid pursuant to this Final Judgment to the United
5 States Treasury.

6 The Commission may enforce the Court's judgment for penalties by the use of
7 all collection procedures authorized by law, including the Federal Debt Collection
8 Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the
9 violation of any Court orders issued in this action. Defendant shall pay post-judgment
10 interest on any amounts due after 30 days of the entry of this Final Judgment pursuant
11 to 28 USC § 1961.

12 **V.**

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
14 Consent is incorporated herein with the same force and effect as if fully set forth
15 herein, and that Defendant shall comply with all of the undertakings and agreements
16 set forth therein.

17 **VI.**

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
19 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
20 11 U.S.C. § 523, the allegations in the complaint are true and admitted by Defendant,
21 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
22 amounts due by Defendant under this Judgment or any other judgment, order, consent
23 order, decree or settlement agreement entered in connection with this proceeding, is a
24 debt for the violation by Defendant of the federal securities laws or any regulation or
25 order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy
26 Code, 11 U.S.C. § 523(a)(19).

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VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

IT IS SO ORDERED.

Dated: August 26, 2022



DAVID O. CARTER
UNITED STATES DISTRICT JUDGE